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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE  
COMMISSION

Plaintiff,

v.

ALEXANDER BEVIL, an individual;  
RICHARD MCCALL BOHNSACK, an  
individual; DANIEL THOMAS BROYLES, an  
individual; CHARLES CARY DAVIS, an  
individual; WILLIAM JAMES ROTH, an  
individual; GLENN JOSEPH STORY, an  
individual; and HAROLD WASSERMAN, an  
individual,

Defendants.

Case No.: 2:19-cv-590-RFB-DJA

**[PROPOSED] FINAL JUDGMENT AS TO  
DEFENDANT DANIEL THOMAS  
BROYLES**

Judge Richard F. Boulware  
Magistrate Judge Daniel J. Albregts

This matter comes before the Court on Plaintiff United States Securities and Exchange Commission's ("Commission's") Renewed Motion for Default Judgment against Defendant Daniel Thomas Broyles ("Defendant"). The Court, having considered all the evidence and argument presented with regard to the Motion, Plaintiff's Memorandum of points and authorities in support of the Motion, all other documents filed in support of the Motion, and the record in this action, finds that:

**I.**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Commission's Renewed Motion for Default Judgment against Defendant Daniel Thomas Broyles is GRANTED.

**II.**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)] by making use of the mails or any means or instrumentality of interstate commerce to effect transactions in or induce or attempt to induce the purchase or sale of securities while he, or anyone hired by him to effect transactions in or induce or attempt to induce the purchase or sale of securities, is not registered with the Commission as a broker or dealer or while he, or anyone hired by him to effect transactions in or induce or attempt to induce the purchase or sale of securities, is not associated with an entity registered with the Commission as a broker or dealer.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

**III.**

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant is permanently restrained and enjoined from violating Section 5 of the Securities Act of 1933

1 (“Securities Act”) [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable  
2 exemption:

3 (a) unless a registration statement is in effect as to a security, making use of any  
4 means or instruments of transportation or communication in interstate commerce or of the mails  
5 to sell such security through the use or medium of any prospectus or otherwise;

6  
7 (b) unless a registration statement is in effect as to a security, carrying or causing to  
8 be carried through the mails or in interstate commerce, by any means or instruments of  
9 transportation, any such security for the purpose of sale or for delivery after sale, or;

10 (c) making use of any means or instruments of transportation or communication in  
11 interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of  
12 any prospectus or otherwise any security, unless a registration statement has been filed with the  
13 Commission as to such security, or while the registration statement is the subject of a refusal  
14 order or stop order or (prior to the effective date of the registration statement) any public  
15 proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].  
16

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in  
18 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
19 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant’s officers,  
20 agents, servants, employees, and attorneys; and (b) other persons in active concert or  
21 participation with Defendant or with anyone described in (a).  
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#### 24 IV.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
26 is permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act [15  
27 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of  
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1 transportation or communication in interstate commerce or by use of the mails, directly or  
2 indirectly, to obtain money or property by means of any untrue statement of a material fact or  
3 any omission of a material fact necessary in order to make the statements made, in light of the  
4 circumstances under which they were made, not misleading.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as provided in  
6 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
7 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,  
8 agents, servants, employees, and attorneys; and (b) other persons in active concert or  
9 participation with Defendant or with anyone described in (a).  
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11 **V.**

12 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
13 is permanently restrained and enjoined from, directly or indirectly, including, but not limited to,  
14 through any entity owned or controlled by Defendant, soliciting any person or entity to purchase  
15 or sell any security.  
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17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
18 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
19 receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers,  
20 agents, servants, employees, and attorneys; and (b) other persons in active concert or  
21 participation with Defendant or with anyone described in (a).  
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23 **VI.**

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
25 is permanently barred from participating in an offering of penny stock, including engaging in  
26 activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or  
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1 attempting to induce the purchase or sale of any penny stock. A penny stock being any equity  
2 security that has a price of less than five dollars, except as provided in Exchange Act Rule 3a51-  
3 1 [17 C.F.R. § 240.3a51-1].

## 4 **VII.**

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that

6 (a) Defendant is liable for disgorgement of \$202,831.09, representing net profits  
7 gained as a result of the conduct alleged in the Complaint, together with prejudgment interest  
8 thereon in the amount of \$54,054.27.

9 (b) Defendant is liable for a civil penalty in the amount of \$202,831.09, representing  
10 the gross amount of Defendant's pecuniary gain, pursuant to Section 20(d) of the Securities Act  
11 [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].  
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13 Defendant shall satisfy these obligations by paying the amount of disgorgement, pre-  
14 judgment interest, and civil penalty, totaling \$459,716.45, to the Securities and Exchange  
15 Commission within 14 days after entry of this Final Judgment.  
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17 Defendant may transmit payment electronically to the Commission, which will provide  
18 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly  
19 from a bank account via Pay.gov through the SEC website at  
20 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank  
21 cashier's check, or United States postal money order payable to the Securities and Exchange  
22 Commission, which shall be delivered or mailed to  
23

24  
25 Enterprise Services Center  
26 Accounts Receivable Branch  
27 6500 South MacArthur Boulevard  
28 Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Daniel Thomas Broyles as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant.

The Commission shall hold the funds (collectively, the "Fund") until further order of this Court. The SEC may propose a plan to distribute the Fund subject to the Court's approval, and the Court shall retain jurisdiction over the administration of any distribution of the Fund.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by using all collection procedures authorized by law, including, but not limited to, moving for civil contempt at any time after 14 days following entry of this Final Judgment.

The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders issued in this action. Defendant shall pay post judgment interest on any amounts due after 14 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest and income earned thereon (collectively, the "Fund"), pending further order of the Court.

The Commission may propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain

1 jurisdiction over the administration of any distribution of the Fund and the Fund may only be  
2 disbursed pursuant to an Order of the Court.

3       Regardless of whether any such Fair Fund distribution is made, amounts ordered to be  
4 paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the  
5 government for all purposes, including all tax purposes. To preserve the deterrent effect of the  
6 civil penalty, Defendant shall not, after offset or reduction of any award of compensatory  
7 damages in any Related Investor Action based on Defendant's payment of disgorgement in this  
8 action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such  
9 compensatory damages award by the amount of any part of Defendant's payment of a civil  
10 penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such  
11 a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the Penalty  
12 Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset  
13 to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall  
14 not be deemed an additional civil penalty and shall not be deemed to change the amount of the  
15 civil penalty imposed in this Judgment. For purposes of this paragraph, a "Related Investor  
16 Action" means a private damages action brought against Defendant by or on behalf of one or  
17 more investors based on substantially the same facts as alleged in the Complaint in this action.  
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## 21 **VIII.**

22       IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the  
23 Consent of the Defendant is incorporated herein with the same force and effect as if fully set  
24 forth herein, and that Defendant shall comply with all of the undertakings and agreements set  
25 forth therein.  
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IX.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

X.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

XI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: September 29, 2022 .



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE